

Appl. No.: 10/605,820  
Amdt. Dated: 9/30/2004  
Reply to Office action of: 07/06/2004

### REMARKS/ARGUMENTS

In the specification, the paragraphs [0015], [0016], [0023], [0025], [0026], [0027], [0028], and [0029] have been amended to correct minor editorial problems. The new paragraph [0020.1] added after paragraph [0020] discusses in general terms the new Figure 4. The new paragraph [0027.1] added after paragraph [0027] discusses in detail the new Figure 4. No new matter has been introduced by these amendments.

In amended Figure 3, the pawl ends A and B have been corrected identified to correct the editorial error in the original Figure 3 labeling. New Figure 4 has been added to illustrate the use of a fluid damper disclosed in the original specification and claimed in original claims 19 and 20. No new matter has been introduced by the amended drawing or the new drawing.

Claims 1 – 20 remain in this application.

The Examiner has indicated that references disclosed in the specification but not on an information disclosure statement is improper. Applicants were not able to include the German reference in their electronic information disclosure statement because the USPTO software does not allow for inclusion of foreign references. The Applicants have attached a copy of said reference to this response in compliance with their continuing duty as required under Rule 56.

The drawings have been objected to by the Examiner under 37 CFR 1.83(a) as failing to show every feature of the invention specified in the claims. By this amendment Applicants have added new Figure 4 showing the fluid damper of claims 19 and 20. Applicants have also amended Figure 3 to show correctly the position of the pawl and its proper operation. The discussion of “one way” teeth has been cancelled from the specification and claims and therefore does not require illustration in the drawings. In light of these amendments to the drawings and to the specification the drawings are believed to be acceptable and such determination by the Examiner is respectfully solicited.

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Claims 13, 14, 16 and 17 were rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. Specifically, the Examiner states:

The claimed invention is confusing and unclear.  
Specifically, The Office is confused on the operation of the restraint assembly described on Pages 13 – 14. The operation, as understood, has the occupant apply an activating force or pressure rearward against the head restraint which causes the upper end of pawl to move rearward pivoting on the mounting rod 6 and causing the lower pawl end 5B to disengage. However, if a rearward force is applied to the top of the pawl and the pawl pivots, then the lower end of the pawl 5B would move forward and actually engage with the ratchet gear. Therefore, the pressing force on the plunger or head restraint would lock the assembly and not allow forward movement thereof. Further, it becomes more confusing since the drawings do not describe the operations as cited in the Specification.

By this amendment to the specification and correction of Figure 3, Applicants have corrected the confusion cited by the Examiner. Specifically, the corrected Figure 3 now shows the proper initial orientation of the pawl 5 and its lower engaging ends 5A and 5B, as well as correcting the discussion of the process of operation in amended paragraph [0028]. In light of these amendments this rejection has been overcome and Applicants' respectfully request the removal of the rejection.

The Specification has been objected to under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. Specifically, the Examiner states:

The claimed invention is confusing and unclear.  
Specifically, The Office is confused on the operation of the restraint assembly described on Pages 13 – 14. The operation, as understood, has the occupant apply an activating force or pressure rearward against the head restraint which causes the upper end of pawl to move rearward pivoting on the mounting rod 6 and causing the lower pawl end 5B to disengage. However, if a rearward force is applied to the top of the pawl and the pawl pivots, then the lower end of the pawl 5B would move forward and actually engage with the ratchet gear. Therefore, the pressing force on the plunger or head restraint would lock the assembly and not allow forward movement thereof. Further, it becomes more confusing since the drawings do not describe the operations as cited in the Specification.

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Moreover, page 10 discloses that when the rearward pressure is removed, the plunger 9 returns to a forward most position (lines 18 – 19). However, page 13 contradicts the previous statement by reciting, “the head restraint of the present invention is in a most rearward position upon the top of the seat back? (line 10 – 12). Also, the Specification continues to disclose that the occupant of the seat applies a rearward force, which causes the plunger to move rearward. However, as understood, the head restraint cannot move rearward if the head restraint is already in a most rearward position. Clarification is needed.

By this amendment to the specification and correction of Figure 3, Applicants have corrected the confusion cited by the Examiner. Specifically, the corrected Figure 3 now shows the proper initial orientation of the pawl 5 and its lower engaging ends 5A and 5B, as well as correcting the discussion of the process of operation in amended paragraph [0028]. Lines 18 – 19 of page 10 and lines 10 – 12 of page 13 are not contradictory. The discussion on page 10 is directed to the movement of the restraint assembly contained inside of the head restraint whereas the discussion on page 13 describes the condition of the head restraint itself. Thus, while the head restraint is in its most rearward position the plunger 9 contained within body of the head restraint is capable of movement forward and backward independent of any movement of the head restraint. Or to state it another way, the restraint assembly, located inside the head restraint, operates independently of the head restraint movement. The restraint assembly controls the movement of the head restraint, but the head restraint does not control the working of the restraint assembly. When viewed in this light it is clear that this objection is overcome and Applicants’ respectfully request its removal.

Claims 1 – 20 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the Examiner states that “Claims 1 and 15 comprise numerous limitations lacking antecedent basis.”

By the amendments to the Claims Applicants’ believe they have corrected these “numerous limitations lacking antecedent basis”. Additionally, providing formatting to the claims which was lost by the software used to provide the electronic filing package should assist in clarifying the claims. In light of these amendments to the claims

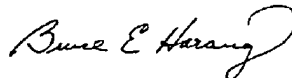
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Applicants' believe this basis of rejection has now been overcome and respectfully request that the rejection be removed.

Applicants' note the prior art made of record but not relied upon by the Examiner. Because this art was not the basis of a rejection Applicants' make no further comment regarding this prior art.

In view of the remarks herein, and the amendments hereto, it is submitted that this application is in condition for allowance, and such action is respectfully solicited.

Respectfully submitted,



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Attachments

Appl. No. 10/605,820  
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Annotated Sheet Showing Changes

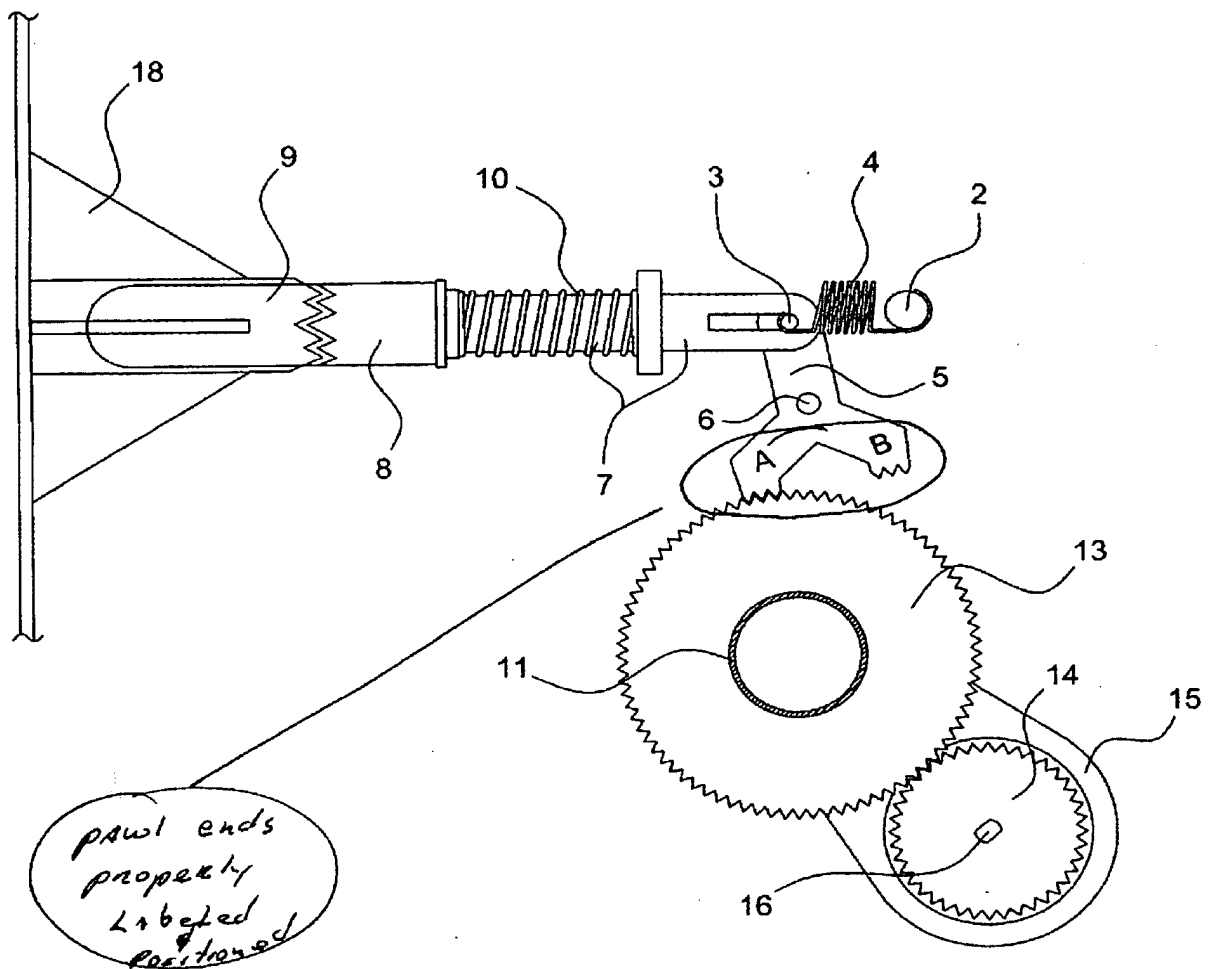


Fig. 3